

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TISHAWANA REYNOLDS,

Plaintiff,

v.

ARIA HEALTH,

Defendant.

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CIVIL ACTION

NO. 12-2954

ORDER

AND NOW, this 31st day of May, 2013, upon consideration of Defendant, Aria Health's ("Aria"), Motion to Dismiss against Plaintiff, Tishawana Reynolds ("Reynolds") (Doc. No. 13), Reynolds' Response, and Aria's Reply, it is hereby **ORDERED** that said Motion is **GRANTED** in part and **DENIED** in part as follows:

1. The Motion is **DENIED** on exhaustion of administrative remedies' grounds;
2. The Motion is **DENIED** as to Reynolds' claims for Racially Hostile Work Environment (Count II), Retaliation (Count III), and Discriminatory Failure to Hire (Count IV);
3. The Motion is **GRANTED** as to Reynolds' claim for Promissory Estoppel/Detrimental Reliance (Count V);
4. Aria's request that we strike paragraphs in the Second Amended Complaint that rely on a pattern or practice of discrimination is **DENIED**;

5. Aria's request that Reynolds re-plead her causes of action for Hostile Work Environment, Retaliation, and Failure to Hire is **DENIED**; and
6. Aria's request to strike paragraphs 1-5, 9(b)-(e), 10, 20, 35(f), (g), (h), 36 and 37 of Reynolds' Second Amended Complaint is **DENIED**.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE